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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,070	03/23/2004	Jogesh Warrior	10040054-1	2645

7590 04/15/2008
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

BARAN, MARY C

ART UNIT	PAPER NUMBER
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2857

MAIL DATE	DELIVERY MODE
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04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/807,070</p>	<p>Applicant(s) WARRIOR ET AL.</p>	
	<p>Examiner MARY C. BARAN</p>	<p>Art Unit 2857</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Eliseo Ramos-Feliciano/
Supervisory Patent Examiner, Art Unit 2857

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Sorokine does not teach "calculating a respective probability of future access by a mobile device for each of said multiple nodes in response to said detecting". However, Applicant's arguments are not well taken. Sorokine teaches measuring every signal received from a base station (i.e. detected signal) (see Sorokine, column 2 lines 1-2). Each signal is then transmitted to the base station controller (BCS) to determine (i.e. calculate) the base station with the greatest likelihood (i.e. probability) that the mobile station will connect to it (i.e. future access attempts) (see Sorokine, column 10 lines 37-43 and lines 58-62). Therefore, Sorokine teaches calculating a respective probability of future access by a mobile device for each of said multiple nodes in response to said detecting (see Sorokine, column 2 lines 1-2, column 10 lines 37-43 and lines 58-62).

Applicant further argues that Sorokine does not teach "routing measurement data for collection to respective ones of said multiple nodes utilizing said calculated probabilities". However, Applicant's arguments are not well taken. Sorokine teaches a smooth transition (i.e. routing data) of a mobile station from one base station to another (i.e. nodes) via a soft handoff (see Sorokine, column 1 lines 32-35). The soft handoff algorithm is used to calculate the likelihood of access (i.e. probability of future access) (see Sorokine, column 10 lines 58-62) so that data can be transmitted smoothly from one cell to another (see Sorokine, column 1 lines 32-35), by transmitting pilot signals (i.e. measurement data) from each base station to the mobile station (see Sorokine, column 1 line 60 -- column 2 line 2). Therefore, Sorokine teaches routing measurement data for collection (see Sorokine, column 1 line 60 -- column 2 line 2) to respective ones of said multiple nodes utilizing calculated probabilities (see Sorokine, column 1 lines 32-35).

Applicant further argues that Sorokine does not teach "communicating any received probabilities through any sensor net, or using any such probabilities to route any measurement data through a sensor net." However, Applicant's arguments are not well taken. Sorokine teaches that a base station controller is used to perform estimation and prediction on the measured data to generate a prioritized neighbor list (see Sorokine, column 9 lines 32-49) which is then sent to the mobile station so that the mobile station can search the signals with a higher likelihood (see Sorokine, column 10 lines 58-62). Therefore, Sorokine teaches communicating any received probabilities through any sensor net, or using any such probabilities to route any measurement data through a sensor net (see Sorokine, column 9 lines 32-49 and column 10 lines 58-62).

Applicant further argues that Sorokine does not teach detecting, calculating, and communicating occur repetitively causing routing of measurement data to vary dynamically in response to changes in access patterns associated with mobile device. However, Applicant's arguments are not well taken. Sorokine teaches the neighbor list, as described above, which is updated based on changes in location of the mobile station (see Sorokine, column 7 lines 27-32 and lines 45-54). Therefore, Sorokine teaches detecting, calculating and communicating occur repetitively causing routing of measurement data to vary dynamically in response to changes in access patterns associated with a mobile device (see Sorokine, column 7 lines 27-32 and lines 45-54).

Applicant further argues that Sorokine does not teach a sensor device that includes means for calculating... means for receiving... and means for communicating... However, Applicant's arguments are not well taken. The claim language does not explicitly state that the "sensor device" comprises "means for...", but rather recites that the "sensor net" comprises "means for..."